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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

0474

October 24, 1997

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

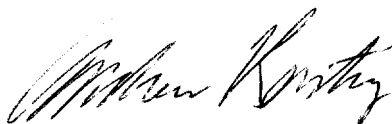
Re: Petition for Rulemaking
Pottsboro, Texas

Dear Mr. Caton:

Transmitted herewith on behalf of Grayson Broadcasting Company are an original and four copies of its Petition for Rulemaking, requesting the Commission to amend the FM Table of Allotments to allot Channel 273C3 to Pottsboro, Texas, as that community's first local broadcast service.

Should any questions arise concerning this matter, please communicate directly with the undersigned.

Very truly yours,



Andrew S. Kersting
Counsel for
Grayson Broadcasting Company

Enclosures
cc (w/ encl.): Certificate of Service

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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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OCT 24 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations,
(Pottsboro, Texas, and Durant
and Madill, Oklahoma)

)
)
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)
)
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MM Docket No. _____

RM No. _____

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

Grayson Broadcasting Company ("GBC"), by counsel, and pursuant to Section 1.401 of the Commission's rules, hereby requests the Commission to institute a rulemaking proceeding for the purpose of amending the FM Table of Allotments to allot Channel 273C3 to Pottsboro, Texas, as that community's first local broadcast service. In order to accommodate the proposed allotment of Channel 273C3 at Pottsboro, GBC proposes to (i) substitute Channel 292A for Channel 296A at Durant, Oklahoma, and modify the license of Station KLBC to specify operation on the new channel; and (ii) substitute either Channel 296A or Channel 296C3 for Channel 273A at Madill, Oklahoma, and modify the license of Station KMAD-FM to specify operation on the new channel. Thus, GBC proposes to amend Section 73.202(b) of the Commission's rules as follows:

Channel No.

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Durant, Oklahoma	248C2, 296A	248C2, 292A
Madill, Oklahoma	273A	296A or 296C3
Pottsboro, Texas	-----	273C3

In support of this request, the following is stated:

The city of Pottsboro, Texas, is an incorporated community located in Grayson County with a 1990 U.S. Census population of 1,177.¹ Pottsboro is primarily an outdoor recreational community which is located on Lake Texoma. The Pottsboro Chamber of Commerce lists at least 17 local fishing and boating establishments, five marinas, and four locations for horseback riding.²

Pottsboro has its own mayor and city council, police department, volunteer fire department, volunteer ambulance service, and post office. The community also is served by the Pottsboro Area Public Library, the Texoma Area Para Transit System, and a day care facility. The Pottsboro Chamber of Commerce lists over 50 business organizations located within the community, which include two motels, four resorts, one bed and breakfast, one bank, six convenience stores, and five restaurants. The community also has three churches, two dentists, one veterinarian, and one weekly newspaper, the *Pottsboro Press*.

The Pottsboro Independent School District is comprised of the city of Pottsboro, Preston Peninsula, Locust, and the Mill Creek areas. The school district is located in Grayson County, is fully accredited by the Texas Education Agency, and provides a full instructional program for children in grades K-12. The community also is served by nearby Grayson College.

As demonstrated in the attached Engineering Statement, the reference coordinates for the city of Pottsboro meet the minimum distance separation requirements with respect to all known licenses,

¹ Source: *Rand McNally Commercial Atlas & Marketing Guide*, p. 532 (127th ed.) (1996).

² Unless otherwise indicated, all of the information contained herein regarding the community of Pottsboro has been obtained from the Pottsboro Chamber of Commerce via its web site at www.texomalake.com, and its *Pottsboro Area Directory* (1997).

construction permits, pending applications, and pending rulemaking proceedings. Moreover, as demonstrated in Figure 4, there is an open area in which a transmitter site may be located in compliance with the required spacing provisions of Section 73.207 of the rules.

As also demonstrated in the attached Engineering Statement, the substitution of Channel 292A for Channel 296A at Durant, Oklahoma, meets the spacing requirements of Section 73.207 from the present site of Station KLBC. Similarly, the substitution of either Channel 296A or Channel 296C3 for Channel 273A at Madill, Oklahoma, meets the spacing requirements of Section 73.207 from Station KMAD-FM's present site. The public interest benefit afforded by the Madill upgrade opportunity, should the Madill licensee elect to pursue it, provides an additional reason for approval of this proposal.

As stated above, the allotment of Channel 273C3 will provide Pottsboro with its first local transmission service, which will promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of broadcast stations among the various states and communities,³ and promote the third allotment priority established in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 91 (1982).⁴ In accordance with *Circleville, Ohio*, 8 FCC 2d 159 (1967), GBC will reimburse the licensees of Stations KLBC, Durant, and KMAD-FM, Madill, Oklahoma, for their reasonable and prudent costs associated with implementing

³ 47 U.S.C. §307(b). See *National Broadcasting Co. v. U.S.*, 319 U.S. 190, 217 (1943) (describing a goal of the Communications Act to "secure the maximum benefits of radio to all the people of the United States"); *FCC v. Allentown Broadcasting Co.*, 349 U.S. 358, 359-62 (1955) (describing a goal of Section 307(b) to "secure local means of expression").

⁴ The criteria for determining the comparative preferability of a proposed FM allotment are (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. 90 FCC 2d at 91.

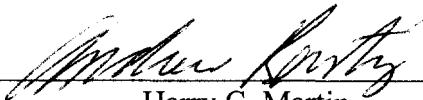
the requested frequency changes. With respect to Station KMAD-FM, however, this reimbursement pledge extends only to the substitution of Channel 296A for Channel 273A at Madill. As shown herein, the proposed substitution of channels at Madill and Durant will accommodate an upgrade of Station KMAD-FM at Madill on Channel 296C3 at that station's existing site. Should KMAD-FM elect to upgrade its facility, GBC's reimbursement obligation will be limited to those expenses necessary to implement the frequency change, but will not include the purchase of any equipment needed for an upgrade. *See Lonoke, Arkansas and Clarksdale, Mississippi*, 6 FCC Rcd 4861 (1991); *Mitchell, South Dakota*, 38 RR 2d 1688 (1976).

In the event this petition requesting the allotment of Channel 273C3 at Pottsboro, Texas, is granted, GBC will file an application for a construction permit for the new station, and, if its application is granted, will promptly construct the new facility.

WHEREFORE, in light of the foregoing, Grayson Broadcasting Company respectfully requests that the Commission GRANT this petition for rulemaking, AMEND the FM Table of Allotments, and ALLOT Channel 273C3 to Pottsboro, Texas, as that community's first local broadcast service.

Respectfully submitted,

GRAYSON BROADCASTING COMPANY

By: 
Harry C. Martin
Andrew S. Kersting

Its Counsel

Fletcher, Heald & Hildreth, P.L.C.
1300 N. Seventeenth Street, 11th Floor
Rosslyn, Virginia 22209
(703) 812-0400

October 24, 1997

c:\...martin\rm\pottsbor.pet

ENGINEERING REPORT

**In Support of a Petition to Add Channel
272C3 at Pottsboro, Texas
With Substitution of
Channel 252A for 244A at Durant, OK
Channel 294A or 255C3 for 272A at Madill, OK**

October 1997

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E. Harold Munn, Jr. & Associates, Inc.

Broadcast Engineering Consultants
Coldwater, MI 49036

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CERTIFICATION OF ENGINEER

The firm of E. Harold Munn, Jr. & Associates, Inc., Broadcast Engineering Consultants, with offices at 100 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data forming this report.

The report has been prepared by properly trained electronics specialists under the direction of the undersigned whose qualifications are a matter of record before the Federal Communications Commission.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

October 21, 1997

E. HAROLD MUNN, JR. & ASSOCIATES, INC.

By Wayne S. Reese
Wayne S. Reese, President

100 Airport Drive, P. O. Box 220
Coldwater, Michigan 49036

Telephone: (517) 278-7339

ENGINEERING STATEMENT

In Support of a Petition to Amend §73.202(b)

The firm of E. Harold Munn, Jr. & Associates, Inc. was retained to prepare this Engineering Statement in support of a petition to amend 47 C.F.R. §73.202(b), the FM Table of Allotments.

It is proposed to amend the FM Table of Allotments to add Channel 273(C3), 102.5 MHz, at Pottsboro, Texas, as the first commercial FM channel in the community. For the purposes of this study, the coordinates specified are that of the reference point for Pottsboro, TX at NL 33° 46' 20"; WL 96° 40' 18". The reference point meets all the spacings of §73.207(b)(1). To permit the addition of Channel 273(C3) at Pottsboro, it is necessary to make two channel substitutions. Channel 292(A) is proposed to be substituted for Channel 296(A) at Durant, Oklahoma, presently reserved for Station KLBC. Also, Channel 296(A), or alternatively, Channel 296C3 is proposed to be substituted for Channel 273(A) at Madill, Oklahoma, presently reserved for Station KMAD-FM.

Figure 1 is a tabulation which demonstrates that, at the reference point proposed and for the class of station proposed, all required separations are fully met for the allotment of Channel 273(C3) at Pottsboro, TX.

Figure 2 is a tabulation which demonstrates that, at the present site of KLBC, Durant, OK, all required spacings of §73.207(b)(1) are met for operation on Channel 292(A), 106.3 MHz.

Figure 3 is a tabulation which demonstrates that, at the present site of KMAD-FM, Madill, OK, all required spacings of §73.207(b)(1) are met for operation on Channel 296(A), 107.1 MHz. Figure 3A is a tabulation which demonstrates that, alternatively, Channel 296(C3) may be assigned specifying operation from the present KMAD-FM transmitter site.

Figure 4 is a computer plot of the transmitter open area for Channel 273(C3) at Pottsboro, TX.

It is requested that 47 C.F.R. §73.202(b) be amended as follows:

<u>CITY, STATE</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Pottsboro, Texas	----	273C3
Durant, Oklahoma	248C2, 296A	248C2, 292A
Madill, Oklahoma	273A	296A or 296C3

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P.O. Box 220 - Coldwater MI 49036

FIGURE 1 - ALLOCATION SPACINGS
POTTSBORO TEXAS

REFERENCE		CLASS = C3	DISPLAY DATES
33 46 20 N			DATA 10-10-97
96 40 18 W		Current Spacings	SEARCH 10-21-97

----- Channel 273 - 102.5 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
AD274	AD 274A	Roxton	TX 93.72	101.8	89.0	4.72
33 35 47	95 40 59	0.000 kW	0 M			
	Commission Staff		RM8977	970307		
	Alternate Channel					
KBRQ	LI 273C1	Hillsboro	TX 220.75	192.0	211.0	9.75
31 49 29	97 09 33	CN 100.000 kW	137 M			
	Sonace Waco License Subsidiar		BLH840326AS	960819		
KSSU	LI 220A	Durant	OK 37.93	46.1	12.0	25.93
34 00 30	96 22 30	CN 0.320 kW	41 M			
	Southeastern Oklahoma State U		BLED821012AK	970213		
ALOPEN	AL 276C2	Atoka	OK 82.87	36.4	56.0	26.87
34 22 16	96 08 06	N 0.000 kW	0 M			
	87-322			880921		
	SITE RESTRICTED-EFFECTIVE 3-28-88-RSVD FOR KHKCFM PER D87-322					
KCES.C	CP 273C3	Eufaula	OK 184.71	34.6	153.0	31.71
35 08 06	95 31 00	CN 25.000 kW	100 M			
	Harmon Davis tr/as Tri-City B		BPH960319ID	960820		
	One-Step Application from Channel 272A					
KKYRFM	LI 273C1	Texarkana	TX 243.02	98.3	211.0	32.02
33 25 48	94 05 08	CN 100.000 kW	140 M			
	Gulfstar Communications Texar		BLH891218KD	970506		
KQXC	LI 273A	Wichita Falls	TX 176.55	276.7	142.0	34.55
33 56 30	98 34 07	ZCN 4.500 kW	96 M			
	Sam F. Beard and Pamela S. Be		BLH940118KB	961216		
KJYO	LI 274C	Oklahoma City	OK 210.81	339.4	176.0	34.81
35 32 52	97 29 29	DEN 100.000 kW	300 M			
	Clear Channel Radio Licenses,		BLH890303KC	970226		
KDMX	LI 275C	Dallas	TX 135.05	192.1	96.0	39.05
32 34 54	96 58 32	CY 100.000 kW	411 M			
	Nationwide Communications Inc		BLH880718IG	960904		
KTXQ	LI 271C	Fort Worth-Dallas	TX 135.05	192.1	96.0	39.05
32 34 54	96 58 32	CY 100.000 kW	441 M			
	CBS, Inc.		BLH910508KB	970214		
KHKCFM	LI 276A	Atoka	OK 84.29	31.6	42.0	42.29
34 25 05	96 11 25	CN 3.300 kW	136 M			
	Ballard Broadcasting of Oklah		BMLH900530KE	960925		
	*To Channel 276C2 per D87-322					

FIGURE 2

E. Harold Munn Jr. & Associates Inc.
Box 220 Coldwater MI 49036-0220

KLBC, DURANT, OK
ALLOCATION STUDY

REFERENCE	CLASS A						DISPLAY DATES	
34 00 07 N							DATA	10-10-97
96 25 19 W	Current rules spacings						SEARCH	10-17-97
----- CHANNEL 292 -106.3 MHz -----								
CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)	
KHKS	291C	Denton	TX	198.1	164.75	165.0	-0.25 *	
LI CN	32 35 22	96 58 10	100.000 kW	483M	102.4	102.6		
Pacifica & Southern Company,					BLH840523DM			
KHKS	291C	Denton	TX	198.2	164.78	165.0	-0.22 *	
LI CN	32 35 24	96 58 21	74.000 kW	212M	102.4	102.6		
Pacifica & Southern Company,					BLH871021KF			
>*** This license id for an AUXILIARY facility of KHKS, Denton, Texa								
KKNGFM	293C3	Holdenville	OK	354.8	101.58	89.0	12.58	
CPMZCN	34 54 50	96 31 20	25.000 kW	100M	63.1	55.3		
Tyler Broadcasting Corporatio					BMPH961220IB 980602			
>One-Step Application (Mod) from channel 293A								
AD291	291A	Sulphur	OK	323.7	85.75	72.0	13.75	
AD	34 37 22	96 58 37	0.000 kW	0M	53.3	44.8		
Bowie-Nocona Broadcasting Co.					RM9095 970421			
>Site Restriction 12.7km North								
KXGM	293A	Muenster	TX	244.6	92.26	72.0	20.26	
LI CN	33 38 34	97 19 15	6.000 kW	100M	57.3	44.8		
Gain-Air Co.					BLH911231KC			
AD291	291A	Pauls Valley	OK	315.7	101.66	72.0	29.66	
AD	34 39 14	97 11 54	0.000 kW	0M	63.2	44.8		
Tom Stamper					RM9021 970127			
>Site Restriction 9.8km South								

E. Harold Munn Jr. & Associates' Inc.
P.O. Box 220 - Coldwater MI 49036

FIGURE 3 - SUBSTITUTE CHANNEL ALLOCATION STUDY
KMAD - MADILL OKLAHOMA

REFERENCE			DISPLAY DATES
34 06 24 N	CLASS = A		DATA 10-10-97
96 46 30 W	Current Spacings		SEARCH 10-21-97
----- Channel 296 - 107.1 MHz -----			

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
KYNZ	LI 294A	Lone Grove	OK	45.79	288.4	31.0 14.79
34 14 09	97 14 48	CN	5.500 kW	104 M		
	Chuckie Broadcasting Company		BLH920611KB	970228		
KRVAFM	LI 295A	Mckinney	TX	94.93	170.1	72.0 22.93
33 15 49	96 35 54	CN	3.900 kW	122 M		
	Radio Plano, Inc.		BLH960724KC	961025		
KACO	LI 243A	Ardmore	OK	40.57	287.1	10.0 30.57
34 12 48	97 11 45	CN	3.000 kW	100 M		
	KRIG, Inc.		BLH860801KB	970924		
KXGM	LI 293A	Muenster	TX	72.10	224.5	31.0 41.10
33 38 34	97 19 15	CN	6.000 kW	100 M		
	Gain-Air Co.		BLH911231KC	970218		
KZDL	LI 296A	Terrell	TX	157.47	160.0	115.0 42.47
32 46 19	96 11 51	CN	3.300 kW	134 M		
	KTLR Broadcasting, Inc.		BLH950630KF	970918		
KVRW	LI 297C2	Lawton	OK	148.67	292.5	106.0 42.67
34 36 27	98 16 26	CN	50.000 kW	150 M		
	Arthur Patrick		BLH920313KC	970214		

E. Harold Munn Jr. & Associates Inc.
P.O. Box 220 - Coldwater MI 49036

FIGURE 3A - SUBSTITUTE CHANNEL POTENTIAL UPGRADE
KMAO - MADILL OKLAHOMA

REFERENCE		CLASS = C3	DISPLAY DATES
34 06 24 N		Current Spacings	DATA 10-10-97
96 46 30 W			SEARCH 10-21-97

----- Channel 296 - 107.1 MHz -----

Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.				HAAT		
KYNZ	LI 294A	Lone Grove	OK	45.79	288.4	42.0	3.79
34 14 09	97 14 48	CN	5.500 kW		104 M		
		Chuckie Broadcasting Company			BLH920611KB	970228	
KRVAFM	LI 295A	Mckinney	TX	94.93	170.1	89.0	5.93
33 15 49	96 35 54	CN	3.900 kW		122 M		
		Radio Plano, Inc.			BLH960724KC	961025	
KZDL	LI 296A	Terrell	TX	157.47	160.0	142.0	15.47
32 46 19	96 11 51	CN	3.300 kW		134 M		
		KTLR Broadcasting, Inc.			BLH950630KF	970918	
KACO	LI 243A	Ardmore	OK	40.57	287.1	12.0	28.57
34 12 48	97 11 45	CN	3.000 kW		100 M		
		KRIG, Inc.			BLH860801KB	970924	
		*To Channel 253A per D96-10; *To Channel 253C3 per one-step app 970307IC. Petition for Recon D96-10 filed 2-18-97-Dismissed MO&O D96-10, 970815					
KXGM	LI 293A	Muenster	TX	72.10	224.5	42.0	30.10
33 38 34	97 19 15	CN	6.000 kW		100 M		
		Gain-Air Co.			BLH911231KC	970218	
KVRW	LI 297C2	Lawton	OK	148.67	292.5	117.0	31.67
34 36 27	98 16 26	CN	50.000 kW		150 M		
		Arthur Patrick			BLH920313KC	970214	
KHTT	LI 295C	Muskogee	OK	215.31	24.9	176.0	39.31
35 51 41	95 46 03	CY	100.000 kW		308 M		
		Renda Broadcasting Corporatio			BLH820914AJ	960925	
ALOPEN	AL 296C3	Graham	TX	200.68	237.6	153.0	47.68
33 07 37	98 35 35	N	0.000 kW		0 M		
		89-280				921118	
		Effective 5-18-90-Reserved for KWKQ per D89-280					
KWKQ.A	AP 296C3	Graham	TX	200.68	237.6	153.0	47.68
33 07 37	98 35 35	CN	25.000 kW		28 M		
		Graham Newspapers, Inc.			BPH970509IB	970613	
		From Channel 296A per D89-280					
KKNGFM	CPM 293C3	Holdenville	OK	92.50	14.4	43.0	49.50
34 54 50	96 31 20	ZCN	25.000 kW		100 M		
		Tyler Broadcasting Corporatio			BMPH961220IB	970929	
		One-Step Application (Mod) from channel 293A					
KWKQ	LI 296A	Graham	TX	200.68	237.6	142.0	58.68
33 07 37	98 35 35	CN	3.000 kW		30 M		
		Graham Newspapers, Inc.			BLH6776	970613	
		*To Channel 296C3 per D89-280					

E. Harold Munn Jr. & Associates Inc. P.O. Box 220 - Coldwater MI 49035

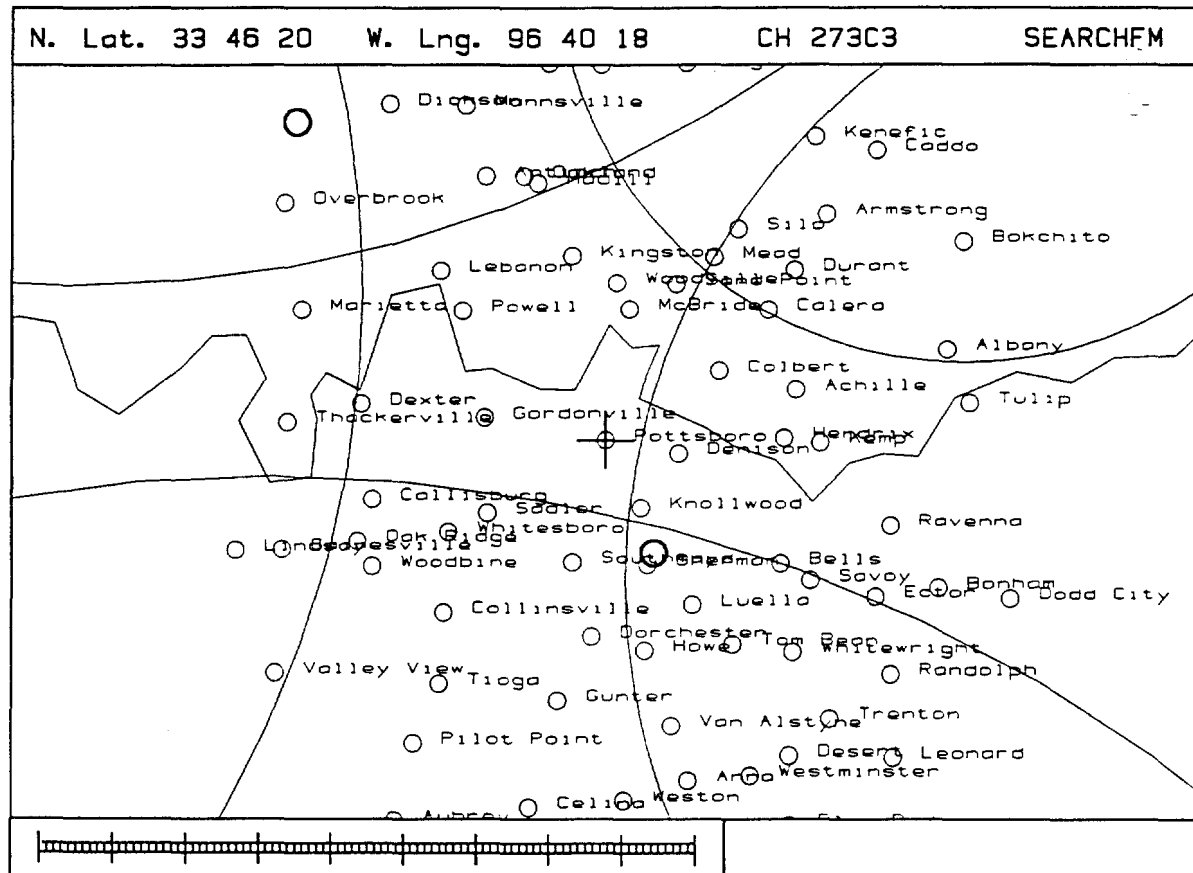


FIGURE 4 - MAP SHOWING TRANSMITTER OPEN AREA
CHANNEL 273C3 - POTTSBORO TEXAS

Call	CH#	Location		D-KM	Azi	FCC	Margin
AD274	274A	Roxton	TX	93.72	101.8	89.0	4.72
KBRQ	273C1	Hillsboro	TX	220.75	192.0	211.0	9.75
ALOPEN	276C2	Atoka	OK	82.87	36.4	56.0	26.87
KQXC	273A	Wichita Falls	TX	176.55	276.7	142.0	34.55
KJYO	274C	Oklahoma City	OK	210.81	339.4	176.0	34.81

CERTIFICATE OF SERVICE

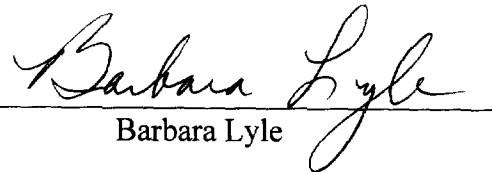
I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 24th day of October, copies of the foregoing "Petition for Rulemaking" were hand delivered or mailed first-class, postage prepaid, to the following:

John A. Karousos, Chief*
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W., Room 565
Washington, DC 20554

Ms. Leslie Shapiro*
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